

HEALTH AND SENIOR SERVICES

DIVISION OF EPIDEMIOLOGY, ENVIRONMENTAL AND OCCUPATIONAL HEALTH

Public Recreational Bathing

Proposed Readoption with Amendments: N.J.A.C. 8:26

Authorized By: Clifton R. Lacy, M.D., Commissioner, Department of Health and Senior Services, and the Public Health Council, Miriam Cohen, MS, RN, CS, Chair.

Authority: N.J.S.A. 26:1A-7 and 26:4A-7

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal: PRN 2003-269

Submit written comments by September 19, 2003 to:

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The agency proposal follows:

Summary

The Department is proposing to readopt N.J.A.C. 8:26 with amendments to reflect recent United States Environmental Protection Agency (USEPA) requirements for bacteriological examination of bathing water, incorporate technical changes of recirculation design, include legislative amendments and to clarify the intent of subchapters in the rules.

The United States Environmental Protection Agency National Beach Guidance Document requires all states to adopt enterococci as the indicator of choice for evaluating the quality of ocean and tidal recreational bathing waters. This standard must be in place by April 10, 2004. Therefore, the Department will adopt this new standard found at N.J.A.C. 8:26-7.18.

The requirement for an emergency pump shut off switch found at N.J.A.C. 8:26-3.24(e) was placed in the rules as a recommended carry over from guidance provided by the Department in the form of a Public Health Bulletin based on United States Consumer Product Safety Commission (USCPSC). The rationale for this requirement was to build redundancy into the rule and thereby provide an extra measure of safety. The Department has reviewed this requirement and, as a result, concluded that installation of available antivortex drain covers will ensure adequate protection against suction and entrapment

hazards. The Cape May County hotel and motel managers did not want to install emergency shut off switches due to economic concerns. The Department evaluated their concerns and granted a one-year waiver. As a result of this waiver process, the Department decided emergency pump shut off switches would not be necessary as long as adequately fitted antivortex drain covers are provided.

The purpose of this chapter, as proposed for readoption with amendments herein, is to set reasonable sanitary and safety standards for all public recreational bathing places and to preserve and improve public health in New Jersey.

The Department and the Public Health Council (PHC) have reviewed this chapter and have determined that the existing rules are necessary, reasonable and proper for the purpose for which they were initially promulgated, however, the proposed changes are required. The Department has notified the New Jersey Health Officers Association, New Jersey Environmental Health Association, Department of Environmental Protection, Department of Community Affairs and all local health departments in New Jersey of these proposed amendments of N.J.A.C. 8:26.

The Department and the PHC propose to readopt N.J.A.C. 8:26 with amendments reflecting technical changes, preventive measures to avoid suction hazards and body entrapment, corrections of typographical errors and language to make the rules easier to understand for regulators and the regulated community. Pursuant to N.J.S.A. 52:14B-5.1c, this chapter expires on November 8, 2005.

The rules proposed for readoption with amendments are summarized as follows:

Subchapter 1. Purpose, Scope and Definitions

N.J.A.C. 8:26-1.1 states the purpose of promulgating sanitary and safety regulations for public recreational bathing places in the State of New Jersey.

N.J.A.C. 8:26-1.2 identifies various agencies that enforce the rules pertaining to all public recreational bathing places.

N.J.A.C. 8:26-1.3 defines the terms used in this chapter. A definition of the term "private marina" is proposed to be added. The definition of the term "specially exempt facility" is proposed to be amended to include "private marina" and privately owned campgrounds with swimming areas other than swimming pools. This amendment reflects recently enacted legislation, P.L. 2000, c.151 to exempt marinas that have a swimming pool.

N.J.A.C. 8:26-1.4 states procedures under which requests to waive certain sections of the rules could be submitted by any agency, organization or entity seeking a waiver of the standards.

Subchapter 2. Administration

N.J.A.C. 8:26-2.1 states that all specifications, plans and reports are to be reviewed and approved by the health authority.

N.J.A.C. 8:26-2.2 states requirements and procedures to obtain written approval from the health authority for location and construction of a public recreational bathing place.

N.J.A.C. 8:26-2.3 establishes procedures for obtaining approval to alter a public recreational bathing place.

N.J.A.C. 8:26-2.4 provides procedures for local health officials to deny approval for the location, construction, or alteration of a public recreational bathing place.

N.J.A.C. 8:26-2.5 states that the public recreational bathing place shall be inspected by the public health authority prior to any public use.

N.J.A.C. 8:26-2.6 states that a license or permit to operate a public recreational bathing place shall be obtained from health authority before its use.

Subchapter 3. Swimming Pools

N.J.A.C. 8:26-3.1 pertains to the general layout and design of swimming pools, such as the availability of potable water supply and sanitary disposal facilities at swimming pool locations.

N.J.A.C. 8:26-3.2 states the type of material that shall be used in construction of swimming pools. Also, the section stipulates that all construction material shall meet the requirements as set forth in the New Jersey Uniform Construction Code.

N.J.A.C. 8:26-3.3 provides details relative to the dimensional design of the swimming pools, including shape and maximum user load.

N.J.A.C. 8:26-3.4 pertains to the design of diving areas including water depths and dimensions.

N.J.A.C. 8:26-3.5 requires the bottom slope of swimming pools to meet the provisions of the New Jersey Uniform Construction Code.

N.J.A.C. 8:26-3.6 requires that the construction of swimming pool walls meets the provisions of the New Jersey Uniform Construction Code.

N.J.A.C. 8:26-3.7 establishes the width of the offset ledges and specifies slip-resistant surfaces.

N.J.A.C. 8:26-3.8 establishes specifications for the installation of underwater seat benches.

N.J.A.C. 8:26-3.9 specifies that skimming systems shall conform to the requirements as stated in the New Jersey Uniform Construction Code.

N.J.A.C. 8:26-3.10 establishes construction standards for decks and walkways that include slope, drainage, gutters and downspouts.

N.J.A.C. 8:26-3.11 requires ladders and stairs to conform to the requirements as stated in the New Jersey Uniform Construction Code.

N.J.A.C. 8:26-3.12 requires fencing and enclosures to meet the requirements as set forth in the New Jersey Uniform Construction Code.

N.J.A.C. 8:26-3.13 requires electrical, illumination, and ventilation systems meet the requirements as set forth in the New Jersey Uniform Construction Code.

N.J.A.C. 8:26-3.14 requires diving stands, boards, slides and floats to meet the requirements as set forth in the New Jersey Uniform Construction Code.

N.J.A.C. 8:26-3.15 pertains to the size and maintenance of circulation systems in swimming pools. Also, the section specifies requirements for pumps, strainers, filters and sumps.

N.J.A.C. 8:26-3.16 defines the minimum specifications of suction outlets and return inlets used in the swimming pools.

N.J.A.C. 8:26-3.17 prohibits any physical connection between potable water system and swimming pool circulation system.

N.J.A.C. 8:26-3.18 establishes the design specifications for construction of wading pools.

N.J.A.C. 8:26-3.19 requires water slides to conform to the requirements of the New Jersey Department of Community Affairs.

N.J.A.C. 8:26-3.20 requires that rope drops must be licensed by the Department of Community Affairs.

N.J.A.C. 8:26-3.21 prohibits floats and fixed platforms in a swimming pool or wading pool.

N.J.A.C. 8:26-3.22 defines safety and operating parameters of disinfection systems used in swimming pools and wading pools.

N.J.A.C. 8:26-3.23 defines the location and size of depth markings for swimming pools.

N.J.A.C. 8:26-3.24, concerning existing swimming pools and wading pools is proposed for amendment at N.J.A.C. 8:26-3.24(a). This section currently exempts existing facilities from requirements found at N.J.A.C. 8:26-3.1 through 3.15. The amendment will exempt existing facilities from requirements found at N.J.A.C. 8:26-3.1 through 3.18. The November 4, 1986 date that applies to existing facilities is proposed to be amended to June 5, 2000. This new date reflects the date of adoption of the previous amendment of these rules. N.J.A.C. 8:26-3.24(e) is proposed to be amended to clarify that an emergency pump shut off switch is not required provided antivortex drain covers are commercially available and installed.

Subchapter 4. Hot Tubs and Spas

N.J.A.C. 8:26-4.1 delineates design and general construction code requirements.

N.J.A.C. 8:26-4.2 specifies design and construction requirements for decks of hot tubs and spas.

N.J.A.C. 8:26-4.3 concerns heater and thermometer requirements.

N.J.A.C. 8:26-4.4 specifies that electrical, illumination, and ventilation systems meet the requirements of the New Jersey Uniform Construction Code.

N.J.A.C. 8:26-4.5 prohibits any physical connection between potable water systems and hot tub circulation systems.

N.J.A.C. 8:26-4.6 specifies inlet and outlet requirements of hot tub circulation systems.

N.J.A.C. 8:26-4.7 pertains to size and maintenance of circulation systems in hot tubs. The section also specifies requirements for pumps, strainers, filters, and valves for hot tubs.

N.J.A.C. 8:26-4.8 specifies methods of disinfection.

N.J.A.C. 8:26-4.9 concerns the operation of air induction systems.

N.J.A.C. 8:26-4.10 specifies surface skimming systems requirements.

N.J.A.C. 8:26-4.11 concerns fencing and enclosures.

N.J.A.C. 8:26-4.12 defines the location and size of depth markings.

N.J.A.C. 8:26-4.13 addresses structural and safety equipment for drains and skimmer systems.

Subchapter 5. Waterfront Safety

N.J.A.C. 8:26-5.1, concerning specially exempt facilities, is proposed for amendment at N.J.A.C. 8:26-5.1(c) to eliminate the requirement for two posted signs at every entrance to each swimming area.

N.J.A.C. 8:26-5.2 delineates requirements of swimming pool supervision.

N.J.A.C. 8:26-5.3, concerning emergency equipment for swimming pools, is proposed for amendment at N.J.A.C. 8:26-5.3(a)2 and 4. The requirement for the United States Coast Guard or the Underwriters Laboratories approval for rescue tubes is being eliminated at N.J.A.C. 8:26-5.3(a)2 because these organizations do not approve the rescue tube used by lifeguards. The requirement for a spine board head restraint is being added at N.J.A.C. 8:26-5.3(a)4.

N.J.A.C. 8:26-5.4 establishes bather rules for swimming pools, wading pools, hot tubs and spas.

N.J.A.C. 8:26-5.5 establishes rules for diving in swimming pools.

N.J.A.C. 8:26-5.6 delineates requirements of wading pool supervision.

N.J.A.C. 8:26-5.7 delineates requirements of water slide supervision.

N.J.A.C. 8:26-5.8 delineates requirements of hot tub and spa supervision.

N.J.A.C. 8:26-5.9 concerns emergency equipment for hot tubs and spas.

N.J.A.C. 8:26-5.10 delineates requirements of bathing beach supervision.

N.J.A.C. 8:26-5.11 establishes bather rules for bathing beaches.

N.J.A.C. 8:26-5.12, concerning lifesaving equipment for bathing beaches, is proposed for amendment at N.J.A.C. 8:26-5.12(a)6 to include a spine board head restraint.

N.J.A.C. 8:26-5.13, concerning diving stands for bathing beaches is proposed because new float technology reduces the hazards associated with entrapment.

N.J.A.C. 8:26-5.14 specifies waterfront restrictions for bathing beaches.

Subchapter 6. General Sanitation and Maintenance

N.J.A.C. 8:26-6.1 concerns general provisions for maintaining hot tubs, spas, or bathing beaches in a clean, sanitary, and safe condition.

N.J.A.C. 8:26-6.2 specifies requirements for maintaining dressing rooms and bathhouses.

N.J.A.C. 8:26-6.3 specifies requirements for maintaining showers.

N.J.A.C. 8:26-6.4 relates to construction, fixtures and supplies for water closets and lavatories.

N.J.A.C. 8:26-6.5 concerns wastewater disposal, wastewater system size and disposal methods.

N.J.A.C. 8:26-6.6 governs solid waste disposal, onsite storage and disposal frequency.

N.J.A.C. 8:26-6.7 pertains to the potable water supply system, quantity and quality.

N.J.A.C. 8:26-6.8 concerns drinking water fountain construction.

N.J.A.C. 8:26-6.9 relates to food service and milk supplies.

N.J.A.C. 8:26-6.10 concerns plumbing installation, maintenance, repair and control.

N.J.A.C. 8:26-6.11 governs pesticide application and control of insects, rodents, poisonous plants and weeds.

N.J.A.C. 8:26-6.12 mandates inspection and maintenance of recreational equipment.

Subchapter 7. Sampling and Water Quality Criteria

N.J.A.C. 8:26-7.1 relates to source water quality criteria for pools, hot tubs and spas.

N.J.A.C. 8:26-7.2 requires microbial analyses to be performed by a certified laboratory.

N.J.A.C. 8:26-7.3 provides water sample collection specifications that include timing, frequency and techniques for collecting samples from pools, hot tubs and spas.

N.J.A.C. 8:26-7.4, concerning disposition of water samples, the temperature of water samples collected for analyses, is being amended to comply with USEPA requirements.

N.J.A.C. 8:26-7.5 concerns laboratory methods and microbiological water quality standards for pools.

N.J.A.C. 8:26-7.6 relates to notification and resampling requirements for samples not meeting requirements.

N.J.A.C. 8:26-7.7 requires set frequencies and methods for chemical testing of pool water and recording of test results.

N.J.A.C. 8:26-7.8 provides chemical water quality standards and acceptable ranges for pools.

N.J.A.C. 8:26-7.9 governs water quality standards for swimming pools and wading pools.

N.J.A.C. 8:26-7.10 governs salt water swimming and wading pools utilizing ocean and/or bay water.

N.J.A.C. 8:26-7.11 governs the microbiological water quality standards for hot tubs and spas.

N.J.A.C. 8:26-7.12 governs the chemical water quality standards for hot tubs and spas.

N.J.A.C. 8:26-7.13 governs algae standards for hot tubs and spas.

N.J.A.C. 8:26-7.14 governs the physical water quality standards for hot tubs and spas.

N.J.A.C. 8:26-7.15 establishes pre-operational assessment for bathing beaches.

N.J.A.C. 8:26-7.16 governs sampling collection frequency and procedures for bathing beaches.

N.J.A.C. 8:26-7.17 governs water sampling techniques such as sampling containers, collection procedures and safety issues for bathing beaches.

N.J.A.C. 8:26-7.18, concerning microbiological water quality standards for bathing beaches, is proposed for amendment at N.J.A.C. 8:26-7.18(a), (c) and (d) to reflect the new requirements found in the USEPA National Beach Guidance Document. This reflects the change from fecal coliform densities in freshwater to enterococcus densities for ocean and bay bathing beaches. These amendments are based upon the recommendations found in the USEPA Beach Guidance Document (USEPA 2002) (National Beach Guidance and Required Performance Criteria for Grants, www.epa.gov/ost/beaches/technical.html). The USEPA Method 1600 may be obtained by ordering it from www.epa.gov/ord/publications or by mail, by contacting the National Service Center for Environmental Publications, USEPA/NSCEP, PO Box 42419, Cincinnati, Ohio 45242-0419.

N.J.A.C. 8:26-7.19 establishes chemical water quality standards for bathing beaches including chemicals used to control aquatic vegetation.

N.J.A.C. 8:26-7.20 establishes the physical water quality standards for bathing beaches to ensure control of aquatic vegetation.

Subchapter 8. Enforcement Procedures

N.J.A.C. 8:26-8.1 establishes the legal authority for swimming pools, wading pools, hot tubs, spas, and bathing beaches.

N.J.A.C. 8:26-8.2 governs inspections of public swimming pools, wading pools, hot tubs, spas, or bathing beaches.

N.J.A.C. 8:26-8.3 governs the documentation of inspection findings for public swimming pools, wading pools, hot tubs, spas, or bathing beaches and the notification of anticipated bathing beach closings.

N.J.A.C. 8:26-8.4, concerning public availability of inspection reports, is being amended to include the Department of Environmental Protection as an

entity which may receive reports made and maintained pursuant to this section upon request.

N.J.A.C. 8:26-8.5 establishes the criteria for closure of public recreational bathing places.

N.J.A.C. 8:26-8.6 establishes the criteria for closure of swimming and wading pools.

N.J.A.C. 8:26-8.7 establishes the criteria for closure of hot tubs or spas.

N.J.A.C. 8:26-8.8 establishes the criteria for closure of bathing beaches.

N.J.A.C. 8:26-8.9 establishes policies and procedures for recordkeeping.

N.J.A.C. 8:26-8.10 governs reporting requirements for deaths and/or serious injuries.

N.J.A.C. 8:26-8.11 establishes penalties for violations of the provisions of N.J.S.A. 26:1A-10.

As the Department has provided a 60-day comment period in this notice of proposal, this notice is excepted from the rulemaking calendar requirements, pursuant to N.J.A.C. 1:30-3.3(a)5

Social Impact

These rules are essential to ensure the safety of public recreational bathing places and the health of patrons. The primary benefits derived from these rules are the prevention of water-borne illnesses and serious injury or death through water-related accidents. It is expected that the regulated community will welcome these amendments since they were developed using both their input and comments collected over the past several years. Clarification of the rules through the proposed amendments will minimize confusion and ambiguity and thus ensure consistent interpretation and enforcement by local health authorities. The Department of Health and Senior Services and the Public Health Council also expect the proposed amendments to receive a positive reaction from the general public. With these amendments, the public will continue to be provided with public recreational bathing places that are maintained in a clean and safe manner, with safe and clean water quality and personnel properly trained in lifeguarding techniques.

Economic Impact

The economic impact of the rules proposed for re-adoption with amendments primarily falls to the owners and operators of public recreational bathing places. It is felt that with the re-adoption with amendments of these rules, the provisions for sampling and for required safety personnel will result in increased cost to some public recreational bathing facilities. However, the health and safety provisions set forth herein should continue to result in reduced medical claims for accidents and a decrease in human related water-borne illnesses. The increase in public health and safety that has resulted with enforcement of these rules should continue to induce insurance companies to lower their rates for these facilities. For laboratories that are analyzing the required samples and for organizations which train the required safety and maintenance personnel, they can expect to receive an income, adjusted for

inflation, consistent with that which they have received since these rules were originally promulgated in 1986.

The proposed re-adoption with amendments will not have an economic impact upon the Department.

Local health departments will continue to budget staff and resources as needed to enforce these rules. The cost that they incur will continue to be offset in whole or in part by fees associated with municipal licensing ordinances.

Federal Standards Statement

The proposed amendments to the Public Recreational Bathing Rules are being initiated in order to comply with the Beaches Environmental Assessment and Coastal Health (BEACH) Act of 2000 (P. L. 106-284). Specifically, the BEACH Act requires all states to adopt the standards established by the US Environmental Protection Agency (USEPA) for monitoring and evaluating ocean and tidal waters used for public recreational bathing and changing from fecal coliform to enterococcus as an indicator of beach pollution. The BEACH Act requires states to adopt the USEPA standards for implementation no later than April 10, 2004. Adoption of the USEPA standard will continue to qualify New Jersey for funding allocated for implementation of USEPA standards.

The public recreational bathing rules proposed for re-adoption with amendments are not more restrictive than the established USEPA requirements for monitoring and evaluating ocean and tidal waters used for public recreational bathing purposes.

Jobs Impact

The rules proposed for re-adoption with amendments will not result in the generation or loss of jobs in the State of New Jersey.

Agriculture Industry Impact

The Department anticipates that the rules proposed for re-adoption with amendments have no impact on the agriculture industry in New Jersey.

Regulatory Flexibility Analysis

The rules proposed for re-adoption with amendments will have minimal impact in terms of imposing additional reporting, recordkeeping, or compliance requirements on small businesses as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Specifically, public recreational bathing places are required to maintain accurate and complete records of water analyses results, sanitary survey records, daily number of bathers, copies of all necessary credentials of personnel associated with the public recreational bathing operation(s), accidents requiring external emergency services, deaths and/or drownings, and inspection logs of playground equipment.

Certified analytical laboratories that evaluate water quality, lifeguards that provide waterfront safety, and trained pool operators who are responsible for the mechanical operation and maintenance of pools are examples of professional services and individuals who also need to comply with the provisions of these

rules. Records of these entities' operations pertaining to a public recreational bathing place shall be furnished to the owner or operator and/or the local health authority as specified in the rules. Specifically included are copies of water quality tests, work schedules for employees, aquatic supervision plans, and mechanical and maintenance records.

The Department has determined that all such compliance, recordkeeping, and reporting requirements continue to be reasonable and necessary for the purpose for which they were originally proposed. The Department notes that the readoption with amendments of these rules imposes no new recordkeeping, reporting, or other compliance requirements, but merely continues those requirements that have been in existence since 1986. The rules do not differentiate by size of business, in the interest of public health and safety.

Future annual costs of compliance with these rules are not expected to differ from current annual cost (see Economic Impact above).

The rules proposed for readoption with amendments will have an impact on all public recreational bathing places, many of which can be considered small businesses as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules proposed for readoption with amendments require reporting, recordkeeping, and compliance by all public recreational bathing places. Architectural and engineering firms that design, construct, and install new swimming pools, certified analytical laboratories that evaluate water quality, lifeguards who provide waterfront safety, and trained pool operators who are responsible for the mechanical operation and maintenance of a pool must comply with these requirements.

Smart Growth Impact

The rules proposed for readoption support the principles of smart growth through protection and conservation of the State's natural resources. The proposed amendments provide added protection to the quality of the State's recreational bathing waters. The rules proposed for readoption with amendments will have no impact on the achievement of smart growth and the implementation of the State Development and Redevelopment Plan.

Full text of the proposed readoption may be found in the New Jersey Administrative Code at N.J.A.C. 8:26.

Full text of the proposed amendments follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. PURPOSE, SCOPE AND DEFINITIONS

8:26-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

...

“Private marina” means a privately-owned water dependent facility for the docking, servicing or storage of private boats, at which services are provided on an annual, seasonal or per diem basis, and which facility is not open to the general public, other than bona fide guests of boat owners eligible to use the marina and which has a private swimming pool that is not open to the general public, other than bona fide guests of boat owners eligible to use the marina.

...

“Specially exempt facility” means a private lake, river or bay or private community lake, river or bay association, or private nonprofit common interest community which restricts the use of its lake, river, bay or pool, as appropriate, to the owners of units thereof and their invited guests. Specially exempt facility also includes a campground, hotel, motel, mobile home park, or retirement community which restricts the use of its pool to renters of the lodging units or owners of the dwelling units, as appropriate, and their invited guests, **or day-use visitors, or a private marina which restricts the use of its swimming pool to owners of boats eligible to use the facilities and their invited guests. Specially exempt facility also includes a privately-owned campground which restricts the use of a swimming area other than its swimming pool to renters of the loading units or owners of the dwelling units, as appropriate, and their invited guests, or day-use visitors.**

SUBCHAPTER 3. SWIMMING POOLS

8:26-3.24 Existing swimming pools and wading pools.

(a) The location and construction requirements at N.J.A.C. 8:26-3.1 through [3.15] **3.18** shall not apply to those swimming pools and wading pools that were constructed prior to [November 4, 1986] **June 5, 2000**, until alterations are made. Alterations shall be made in accordance with the applicable provisions of this chapter.

(b)-(d) (No change.)

(e) An emergency pump shut off switch shall be installed if antivortex drain covers are not commercially available. The emergency pump shut off switches shall be accessible, located within sight of the swimming pool or wading pool and be prominently marked.

(f) (No change.)

SUBCHAPTER 5. WATERFRONT SAFETY

8:26-5.1 Specially exempt facilities

(a)-(b) (No change.)

(c) At campgrounds, hotels, motels, mobile home parks or retirement communities, [a second three by four sign shall be posted at all swimming areas] **the sign shall also state:**

“This swimming area shall be closed when the owner or manager is not on the premises.”

[This] **The** notice shall also be posted on a sign at least eight inches by 10 inches in size at the registration desk and in each guest room or suite of the campground, hotel or motel used for occupancy by guests.

8:26-5.3 Emergency equipment for swimming pools

(a) Swimming pools shall be provided with the following readily accessible emergency equipment:

1. (No change.)
2. One or more rescue tubes for each lifeguard on duty. [These rescue tubes shall be approved by the United States Coast Guard or the Underwriters Laboratories];
 - i. (No change.)
3. (No change.)
4. A full spine board complete with ties, **head restraints** and/or straps that meet the design requirements as specified at N.J.A.C. 8:40 [-6.15];
- 5.-6. (No change.)

8:26-5.12 Lifesaving equipment for bathing beaches

(a) Lifesaving equipment shall be provided in case of an emergency. The equipment shall include, at a minimum:

- 1.-5. (No change.)
6. A full spine board complete with ties, **head restraints** and/or straps that meet the design requirements as specified at N.J.A.C. 8:40 [-6.15];
- 7.-8. (No change.)

8:26-5.13 Diving stands and boards for bathing beaches

(a) (No change.)

(b) Fixed platforms for bathing beaches are permitted if they are constructed with a visible one foot air space below the platform [or float]. There shall be little underwater construction consistent with the strength requirements of the platform [or float]. All braces and struts shall be designed to prevent entanglement or trapping of the bathers.

- 1.-3. (No change.)

SUBCHAPTER 7. SAMPLING AND WATER QUALITY CRITERIA

8:26-7.4 Disposition of water samples from public recreational bathing places

The sample(s) taken from swimming pools, wading pools, hot tub, and spas shall be taken to a certified laboratory within 30 hours of collection for processing. Samples taken from bathing beaches shall be taken to a certified laboratory within six hours of collection for processing. The sample(s) shall be refrigerated immediately upon collection or kept in an ice chest and held [at a maximum of 45 degrees] **between 34 degrees and 39 degrees** Fahrenheit while

being transported. Information documenting the sampling time, sampling date, location of sample collection, sampler's identification, and desired analysis(es) shall accompany the sample.

8:26-7.18 Microbiological water quality standards for bathing beaches

(a) Microbiological water quality standards for **pond, lake, stream, river and tidal fresh water** bathing beaches shall be determined on the basis of fecal coliform densities, sanitary survey results, and/or epidemiological evidence.

(b) (No change.)

(c) **Microbiological water quality standards for ocean and bay bathing beaches shall be determined on the basis of enterococcus densities, sanitary survey results and/or epidemiological evidence.**

(d) **Enterococcus count standards shall be as follows:**

1. **The membrane filter test method for enterococci in water shall be conducted in accordance with procedures set forth in USEPA Method 1600: Membrane Filter Test Method for Enterococci in Water, incorporated herein by reference, as amended and supplemented. USEPA Method 1600 can be found in the USEPA National Beach Guidance Document (USEPA 2002), which may be obtained from the National Service Center for Environmental Publications, at www.epa.gov/ord/publications; or by mail, by contacting the National Service Center for Environmental Publications, USEPA/NSCEP, PO Box 42419, Cincinnati, Ohio 45242-0419. The estimated enterococcus concentration shall not exceed 104 enterococci per 100 millimeters of sample.**

[(c)](e)(No change in text.)

8:26-8.4 Public availability of inspection reports

Any reports made and maintained pursuant to this chapter shall be available to members of the public **and the Department of Environmental Protection** upon request.